

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert A. Auflick
Ashlyn Y. Auflick
Debtor(s)

Bankruptcy Case No.: 18-11004-TPA
Per April 9, 2019 Proceeding
Chapter: 13
Docket No.: 50 – 16, 32
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 22, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,134.00 as of April 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Lakeview Loan Servicing LLC (Claim No. 23) .
- ☒ H. Additional Terms: 1) The secured claim of the following Creditor shall govern as to claim amount, to be paid at the modified plan terms: Five Star Bank (Claim No. 12).

2) The estimated pool of funds available to be paid to general unsecured creditors and estimated percentage dividend are revised to \$63,801 (87.9%).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: April 11, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert A. Auflick
 Ashlyn Y. Auflick
 Debtors

Case No. 18-11004-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 3
 Total Noticed: 60

Date Rcvd: Apr 11, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 13, 2019.

db/jdb
 14956542 +Robert A. Auflick, Ashlyn Y. Auflick, 809 North Main Street, Youngsville, PA 16371-1055
 +Absolute Resolutions Investments, LLC, c/o Absolute Resolutions Corporation,
 8000 Norman Center Drive, Suite 350, Bloomington, MN 55437-1118
 14922239 +Barclays Bank Delaware, Po Box 8803, Wilmington, DE 19899-8803
 14922243 +Ccs / First National Bank, 500 East 60th Street North, Sioux Falls, SD 57104-0478
 14922245 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 14922246 +Citibank Sd NA, Attn: Centralized Bankruptcy, PO Box 790034, Saint Louis, MO 63179-0034
 14922253 +First National Bank Of Pa, 1 Fnb Boulevard, Hermitage, PA 16148-3363
 14922254 +Five Star Bank, 55 North Main Street, Warsaw, NY 14569-1325
 14960411 +LAKEVIEW LOAN SERVICING LLC, PO Box 840, Buffalo, NY 14240-0840
 14932578 +MRS BPO LLC, 1930 Olney Avenue, Cherry Hill, NJ 08003-2016
 14932577 +Midland Funding LLC, PO Box 2000, Warren, MI 48090-2000
 14922258 +Mountain Laurel Federal Credit Union, 413 South Michael Street, Saint Marys, PA 15857-1742
 14927361 +Mountain Laurel Federal Credit Union, 1513 Pennsylvania Avenue East, Warren, PA 16365-3142
 14922260 #+Penn Credit Corporation, 916 South 14th Street, Harrisburg, PA 17104-3425
 14922263 +Pressler and Pressler LLP, 7 Entin Road, Parsippany, NJ 07054-5020
 14922264 +Quality Asset Recovery, 7 Foster Avenue, Suite 101, Gibbsboro, NJ 08026-1191
 14922265 +Sears / Cbna, Po Box 6283, Sioux Falls, SD 57117-6283
 14922266 +Stonegate Mortgage Corporation, 4894 Greenville Avenue, Dallas, TX 75206-4120
 14922275 +The Home Depot / Cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 14922252 +US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: Elan Financial Service, Po Box 108, Saint Louis, MO 63166)
 14922278 +Warren General Hospital, 2 West Crescent Park, Warren, PA 16365-2199

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/Text: ally@ebn.phinsolutions.com Apr 12 2019 02:20:12
 Ally Bank Lease Trust serviced by Ally Servicing L, P.O. Box 130424,
 Roseville, MN 55113-0004
 14928986 E-mail/Text: ally@ebn.phinsolutions.com Apr 12 2019 02:20:12 Ally Bank Lease Trust,
 PO Box 130424, Roseville MN 55113-0004
 14922238 +E-mail/Text: ally@ebn.phinsolutions.com Apr 12 2019 02:20:12 Ally Financial,
 200 Renaissance Center, Detroit, MI 48243-1300
 14922240 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 12 2019 02:14:40 Capital One,
 15000 Capital One Drive, Richmond, VA 23238
 14922241 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 12 2019 02:15:26 Capital One N.A.,
 PO Box 85520, Richmond, VA 23285
 14922242 E-mail/Text: bankruptcy@cavps.com Apr 12 2019 02:21:04 Cavalry Portfolio Services,
 Po Box 27288, Tempe, AZ 85285
 14934231 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 12 2019 02:15:02
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14924052 +E-mail/Text: bankruptcy@cavps.com Apr 12 2019 02:21:05 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14922244 +E-mail/Text: kzoepfel@credit-control.com Apr 12 2019 02:20:51
 Central Loan Admin & Reporting, 425 Phillips Boulevard, Ewing, NJ 08618-1430
 14922247 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 12 2019 02:20:24 Comenity Bank / Bonton,
 Po Box 182789, Columbus, OH 43218-2789
 14922248 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 12 2019 02:20:24
 Comenity Bank / Victoria Secret, Po Box 182789, Columbus, OH 43218-2789
 14922249 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 12 2019 02:20:24
 Comenity Capital Bank / Gamestop, Po Box 182120, Columbus, OH 43218-2120
 14922250 +E-mail/PDF: creditonebknnotifications@resurgent.com Apr 12 2019 02:15:06 Credit One Bank Na,
 Po Box 98875, Las Vegas, NV 89193-8875
 14922251 E-mail/Text: mrdiscen@discover.com Apr 12 2019 02:20:13 Discover Financial Services LLC,
 Po Box 15316, Wilmington, DE 19850
 14925330 E-mail/Text: mrdiscen@discover.com Apr 12 2019 02:20:13 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14944699 E-mail/Text: FSBBankruptcy@fiwarsaw.com Apr 12 2019 02:20:08 Five Star Bank,
 100 Chestnut Street, 13th Floor, Rochester, NY 14604
 14922255 +E-mail/Text: bknotificationdistribution@jhcapiatgroup.com Apr 12 2019 02:21:37
 Jh Portfolio Debt Equities, 5757 Phantom Drive, Suite 225, Hazelwood, MO 63042-2429
 14932783 E-mail/PDF: resurgentbknnotifications@resurgent.com Apr 12 2019 02:15:07
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14932782 E-mail/PDF: resurgentbknnotifications@resurgent.com Apr 12 2019 02:14:45
 LVNV Funding, LLC its successors and assigns as, assignee of U.S. Bank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14922256 +E-mail/PDF: resurgentbknnotifications@resurgent.com Apr 12 2019 02:14:44 Lvnv Funding LLC,
 Po Box 1269, Greenville, SC 29602-1269
 14922257 E-mail/Text: camanagement@mtb.com Apr 12 2019 02:20:21 M & T Bank, 1 Fountain Plaza,
 Buffalo, NY 14203
 14951491 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 12 2019 02:20:47 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN MI 48090-2011

District/off: 0315-1

User: jmar
Form ID: 149

Page 2 of 3
Total Noticed: 60

Date Rcvd: Apr 11, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14922259 +E-mail/PDF: cbp@onemainfinancial.com Apr 12 2019 02:14:35 Onemain Financial,
6801 Colwell Boulevard, Irving, TX 75039-3198
14949907 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 12 2019 02:36:57
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14923028 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 12 2019 02:15:27
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14922261 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 12 2019 02:15:03
Portfolio Recovery & Associates, 120 Corporate Boulevard, Suite 1,
Norfolk, VA 23502-4952
14928992 E-mail/Text: bnc-quantum@quantum3group.com Apr 12 2019 02:20:29
Quantum3 Group LLC as agent for, JHPDE Finance 1 LLC, PO Box 788,
Kirkland, WA 98083-0788
14957245 +E-mail/Text: bncmail@w-legal.com Apr 12 2019 02:20:58 SYNCHRONY BANK,
c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
14922267 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:14:57 Synch / JCPenney, Po Box 965007,
Orlando, FL 32896-5007
14922268 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:14:57 Synch / Lowes, Po Box 965005,
Orlando, FL 32896-5005
14922269 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:14:36 Synch / Old Navy, Po Box 965005,
Orlando, FL 32896-5005
14922270 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:14:57 Synch / Paypal Smart Consumer,
Po Box 965005, Orlando, FL 32896-5005
14922271 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:14:36 Synch / TJMaxx, Po Box 965015,
Orlando, FL 32896-5015
14922272 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:14:57 Synch / Toys R Us,
Po Box 965005, Orlando, FL 32896-5005
14922273 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:15:22 Synch / Walmart, Po Box 965024,
Orlando, FL 32896-5024
14922274 +E-mail/PDF: gecsedirecoverycorp.com Apr 12 2019 02:14:36 Synchrony Bank,
950 Forrer Boulevard, Kettering, OH 45420-1469
14954901 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 12 2019 02:15:33 Verizon,
by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14922277 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Apr 12 2019 02:20:04
Verizon Wireless, Po Box 650051, Dallas, TX 75265-0051
14922279 +E-mail/Text: bnc-bluestem@quantum3group.com Apr 12 2019 02:21:17 Webbank / Fingerhut,
6250 Ridgewood Road, Saint Cloud, MN 56303-0820

TOTAL: 39

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T Bank as servicer for Lakeview Loan Servicing L
cr Mountain Laurel Federal Credit Union
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14922262* +Portfolio Recovery & Associates, 120 Corporate Boulevard, Suite 1, Norfolk, VA 23502-4952
14922276* ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
(address filed with court: Us Bank, PO Box 108, Saint Louis, MO 63166)

TOTALS: 2, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 13, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-1

User: jmar
Form ID: 149

Page 3 of 3
Total Noticed: 60

Date Rcvd: Apr 11, 2019

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 11, 2019 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Ashlyn Y. Auflick dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Robert A. Auflick dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor M&T Bank as servicer for Lakeview Loan Servicing LLC
bkgroup@kmlawgroup.com
Mark G. Claypool on behalf of Creditor Ally Bank Lease Trust serviced by Ally Servicing LLC
mclaypool@kmgsllaw.com, knoxbank@hotmail.com; chartle@kmgsllaw.com; mpol@kmgsllaw.com
Michael S. Jan Janin on behalf of Creditor Mountain Laurel Federal Credit Union
mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com; mboni@quinnfirm.com; mgleba@quinnfirm.com; mmbquinnbankruptcy@gmail.com; m
myers@quinnfirm.com; mtrayer@quinnfirm.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7